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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. RICHARD M. ANELLO, Defendant.	No. 13-CR-181-RMW STIPULATION TO CONTINUE SENTENCING HEARING and [] ORDER

Defendant Richard M. Anello entered a guilty plea before this Court on April 22, 2013. The Court scheduled a sentencing hearing for July 29, 2013. For the reasons that follow, the parties now stipulate and request that this Court continue the sentencing hearing for three months, to November 4, 2013.

The terms of Mr. Anello's plea agreement require him to cooperate with the United States Attorney's Office. Specifically, Mr. Anello is cooperating in the case United States v. Brenda Kibbee, 12-00701-DLJ, which is currently pending in this district. A further status hearing is scheduled in United States v. Kibbee for August 1, 2013. At this time, the government does not know whether the case against Ms. Kibbee will proceed to trial or will result in a guilty plea. Therefore, it is not known whether Mr. Anello will be called to testify in that matter as part of his cooperation. In any event, as Mr. Anello's plea agreement contemplates that his sentencing will be continued until his cooperation has been completed, the parties hereby jointly request that the sentencing hearing be continued from July 29, 2013 to November 4, 2013. As the November 4, 2013 date approaches, if Mr. Anello's cooperation is still not completed, the parties anticipate seeking a further continuance on the sentencing hearing.

In addition, the parties' believe that this matter has not been referred to U.S. Probation for the preparation of a Presentence Investigation Report (PSR). The parties agree that it would be appropriate at this time for U.S. Probation to begin to prepare the PSR, and hereby respectfully request that the Court refer this matter to U.S. Probation for the preparation of such report.

A proposed Order is attached.

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: 7/11/2013

s/ Matthew J. Kluge
MATTHEW J. KLUGE
Trial Attorney

Attorneys for the United States

DATED: 7/11/2013

s/ Basil Boutris
BASIL BOUTRIS
Attorney for Richard M. Anello

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. RICHARD M. ANELLO, Defendant.	No. 13-CR-181-RMW] ORDER

Pursuant to the parties' stipulation, and for good cause shown therein, the Court finds that a continuance of the sentencing hearing in this matter is warranted.

IT IS ORDERED that the sentencing hearing shall be continued to November 4, 2013 at 9:00 a.m.

IT IS FURTHER ORDERED that this matter shall be referred to U.S. Probation for the preparation of a Presentence Investigation Report (PSR).

DATED: 7/24, 2013

Ronald M. Whyte
Hon. RONALD M. WHYTE
United States District Judge